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E.O. 12958: DECL: 08/31/2029  
TAGS: [KACT](#) [PARM](#) [START](#) [US](#) [RS](#)  
SUBJECT: SUPPLEMENTAL GUIDANCE FOR U.S. START FOLLOW-ON  
TREATY DELEGATION (DRAFT NEW START TREATY INSPECTION  
PROTOCOL) (CABLE 4 OF 7)

REF: A. STATE 088262 (U.S.-PROPOSED TREATY TEXT PART 1)  
[1](#)B. STATE 088263 (U.S.-PROPOSED TREATY TEXT PART 2)  
[1](#)C. STATE 088259 (U.S.-PROPOSED DEFINITIONS ANNEX  
PART 1)  
[1](#)D. STATE 088260 (U.S.-PROPOSED DEFINITIONS ANNEX  
PART 2)

Classified By: Jerry A. Taylor, Director, VCI/SI.  
Reason: 1.4(b) and (d)

[1](#)1. (S) BACKGROUND: On August 25, 2009, U.S. Embassy Moscow provided the texts of the Draft New START Treaty Articles and the associated Definitions Annex to the Russian Federation (Refs A-D). This cable contains the U.S.-proposed draft of the New START Treaty Inspection Protocol. A courtesy Russian language translation will be sent to the Delegation in Geneva by e-mail. The Annexes to the Inspection Protocol will be sent Septel when they are complete, but are unlikely to be finished prior to the end of the August 31-September 3, 2009 session.

[1](#)2. (S) This is the fourth of seven cables. This cable contains paragraph 24 of Section VI through paragraph 2 of Section VIII of the U.S.-proposed Draft Inspection Protocol. Delegation and Embassy should note that, due to the length of the draft, the text was sent using multiple cables.

[1](#)3. (S) GUIDANCE: Delegation should provide a copy, including the courtesy Russian language translation, of the U.S.-proposed Draft Inspection Protocol to the Russian Delegation and, as time permits, explain the U.S. positions on the Protocol. Delegation should encourage Russian questions and reactions to the U.S. text and seek to identify areas of agreement and disagreement. Delegation should explain that the associated Inspection Protocol Annexes will be provided as soon as possible.

[1](#)4. (U) ACTION REQUEST: Embassy Moscow is requested to combine the texts of the U.S.-proposed draft New START Treaty Inspection Protocol contained in the associated cables into one document and provide a courtesy copy of that text to appropriate host government officials. Embassy Moscow should explain that the U.S. Delegation in Geneva provided the Russian Delegation a paper and electronic copy of the text as well as a courtesy Russian-language translation of the text. Embassy is requested to confirm delivery of the text, the name and office of the official to whom it was delivered, the date of delivery, and any comment or reaction provided at that

time.

15. (S/Releasable to the Russian Federation) Begin text:

124. For each Party, the size criteria used in continuous monitoring shall be determined on the basis of the diameters and lengths of all the reference cylinders for the items of continuous monitoring of that Party, except that, for ICBMs for mobile launchers of ICBMs of the Russian Federation existing as of Treaty signature, such size criteria shall be determined on the basis of the diameter and length of the reference cylinder for the SS-25 ICBM. These criteria shall be used at the portals of all monitored facilities of the inspected Party. The specific size criteria for continuous monitoring are provided in paragraph 3 of Annex 12 to this Protocol. The lengths and diameters of the reference cylinders shall be determined as follows:

(a) for ICBMs for mobile launchers of ICBMs that are maintained, stored, and transported as assembled missiles in launch canisters: 90 percent of the diameter and 90 percent of the length of the launch canister for an ICBM for mobile launchers of ICBMs in the shipment configuration that is the shortest configuration specified that holds an assembled ICBM of that type without the front section;

(b) for ICBMs for mobile launchers of ICBMs that are maintained, stored, and transported in stages: the diameter and length of the first stage of an ICBM of that type; and

(c) for ICBMs for mobile launchers of ICBMs that are maintained, stored, and transported as assembled missiles without launch canisters: as agreed within the framework of the Bilateral Consultative Commission.

125. The size criteria for inspection of containers or vehicles at a monitored facility producing ICBMs for mobile launchers of ICBMs, conducted pursuant to paragraph 15 of Annex 5 to this Protocol, shall be determined using a reference cylinder whose diameter is 97 percent of the diameter of the first stage and whose length is 97 percent of the distance from the lower edge of the nozzle to the upper point of the forward end dome of the motor case of the first stage of an ICBM of that type.

126. If the inspection team or monitoring team is unable to carry out a procedure chosen by the inspected Party in accordance with the provisions of this Protocol to confirm that a covered or environmentally protected object, container, launch canister, vehicle, structure, or other object is or is not an item of continuous monitoring either because such a team has not brought to the inspection site or perimeter continuous monitoring area agreed equipment to carry out that procedure or if, through no fault of the inspected Party, equipment brought by the inspecting Party for that procedure cannot function, the inspected Party shall have the right to decline to choose another procedure for such demonstration.

127. During an inspection or during continuous monitoring activities, inspectors or monitors shall have the right to request clarification. Such requests shall be made promptly through the in-country escort. The in-country escort shall provide clarifications that may be useful in resolving questions and ambiguities. In the event questions and ambiguities relating to an object or building located within the inspection site or perimeter continuous monitoring area are not resolved, the inspected Party shall photograph such object or building at the request of the inspecting Party. If questions or ambiguities remain at the end of the inspection, or for continuous monitoring activities, at the end of the period covered by the report provided for in paragraph 2 of Section XVI of this Protocol, relevant clarifications

shall be included in the inspection report or continuous monitoring report, and each photograph retained by the Party shall be considered to be an integral part of the report.

¶28. An inspection team conducting data update inspections, nuclear warhead inspections, formerly declared facility inspections or participating in technical exhibitions or distinguishability exhibitions pursuant to paragraph 2, 3, 5, 6, or 7 of Article XI of the Treaty, respectively, shall include no more than 10 inspectors. An inspection team conducting a conversion or elimination inspection pursuant to paragraph 4 of Article XI of the Treaty shall include no more than 20 inspectors. A monitoring team shall include no more than 30 monitors, except that the inspecting Party shall have the right to exceed that number of monitors at each facility subject to continuous monitoring or monitored facility by:

(a) no more than 15 monitors for the engineering site survey and establishment of a perimeter and portal continuous monitoring system for no more than an aggregate of 90 days, unless the Parties agree otherwise;

(b) no more than five monitors for the maintenance of the perimeter and portal continuous monitoring system for a period of no more than seven days for each visit by monitors for such purpose and for no more than an aggregate of 84 days each year for each monitored facility, after the perimeter and portal continuous monitoring system is established, unless the Parties agree otherwise; and

(c) no more than 10 monitors for a period of no more than five days during the replacement of monitors in accordance with paragraph 39 of this Section.

At least two inspectors or monitors on each inspection team or monitoring team must speak the language of the inspected Party. An inspection team or monitoring team shall operate under the direction of the team leader and deputy team leader. There shall be no more than one inspection team or monitoring team at each inspection site or at each perimeter continuous monitoring area, respectively, at any one time. Upon arrival at the inspection site, the inspection team leader shall have the right to indicate subgroups consisting of no fewer than two inspectors each.

¶29. Pre-inspection procedures, including safety briefings and the provision of information relating to the conduct of the inspection and the inspection site, shall begin upon arrival of the inspection team or monitors at the inspection site or perimeter continuous monitoring area and shall be completed within one hour. The inspection team shall begin the inspection immediately upon completion of the pre-inspection procedures.

¶30. Prior to the completion of the pre-inspection procedures, the inspection team leader may designate not less than one subgroup from among the members of the inspection team to inspect vehicles leaving the inspection site in such a way that, in accordance with paragraph 6 of this Section, the operation of the facility is not hampered or delayed. If a subgroup of the inspection team is not designated, vehicles shall be free to depart the facility.

¶31. For data update inspections, nuclear warhead inspections, formerly declared site inspections, technical exhibitions, or distinguishability exhibitions conducted pursuant to paragraph 2, 3(b), 5, 6, or 7 of Article XI of the Treaty, respectively, the period of inspection shall not exceed 24 hours. By agreement with the in-country escort, the period of inspection may be extended by no more than eight hours, except that in case of technical exhibitions or distinguishability exhibitions conducted pursuant to paragraph 6 or 7 of Article XI of the Treaty,

the period of inspection shall be extended for the time necessary to complete the inspection. For nuclear warhead inspections or conversion or elimination inspections conducted pursuant to paragraph 3(a) or 4 of Article XI of the Treaty, the period of inspection shall terminate upon completion of the inspection procedures and as provided for in paragraph 16 of Annex 3 to this Protocol upon the arrival of the inspection team at the location designated by the inspected Party for conducting post-inspection procedures.

¶32. Post-inspection procedures, which include completing the inspection report in accordance with the provisions of Section XVI of this Protocol, shall begin, when the period of inspection expires, at the location designated by the inspected Party and shall be completed no later than four hours after the arrival of the inspection team at that location, or no later than three hours after the arrival of all subgroups of the inspection team at that location, whichever is later.

¶33. For the purposes of this Protocol, a sequential inspection is understood to mean an inspection conducted by an inspection team after the completion of an inspection and prior to the departure of the team from the territory of the inspected Party. Sequential inspections shall be conducted only at facilities associated with the same point of entry by an inspection team that has not left the territory of the inspected Party.

¶34. For data update and formerly declared facility inspections conducted pursuant to paragraph 2 and 5 of Article XI of the Treaty, prior to an inspection of a structure within the inspection site, inspectors may be present at the exits of the structure whose entrances and exits are large enough to permit passage of an item of inspection. During an inspection of such a structure, no object, container, or vehicle shall leave the structure until inspected or until an inspector declares that he or she has no intention to inspect it.

¶35. For data update inspections conducted pursuant to paragraph 2 of Article XI of the Treaty, inspectors shall have the right during the period of inspection to patrol the perimeter of the inspection site and to be present at the exits of the site. No vehicle shall leave the inspection site during the period of inspection until inspected or until an inspector declares that he or she does not intend to inspect it.

¶36. If the inspection team intends to conduct a sequential inspection pursuant to paragraph 2, 3, or 5 of Article XI of the Treaty, the inspection team leader, prior to completion of the pre-inspection procedures, shall provide a notification in accordance with paragraph 7 of Section III of this Protocol, and then, prior to completion of post-inspection procedures or no later than one hour after the return of the inspection team to the point of entry, shall provide a notification in accordance with paragraph 8 of Section III of this Protocol. No facility may be designated for inspection more than one time by each inspection team.

¶37. If the inspection team intends to conduct a sequential inspection pursuant to paragraph 4, 6, or 7 of Article XI of the Treaty, the inspection team leader, prior to completion of the post-inspection procedures but no less than 24 hours before the planned commencement of the sequential inspection, shall provide a notification in accordance with paragraph 7 of Section III of this Protocol. Arrangements for rest and the timing of the departure of the inspection team and of its arrival at the next inspection site shall be as agreed by the Parties.

¶38. If the inspection team does not intend to conduct another inspection, upon completion of the post-inspection procedures the inspection team shall return to the point of entry and then shall leave, within 24 hours, the

territory of the inspected Party.

¶39. The inspecting Party shall have the right to replace monitors, subject to the provisions of paragraph 28 of this Section:

(a) directly at a facility subject to continuous monitoring or monitored facility or at the airport associated with such facility no more than 34 times each year, provided that the replacement of monitors directly at the facility subject to continuous monitoring or monitored facility may be conducted no more than once in each three-week period; and

(b) directly at a facility subject to continuous monitoring or monitored facility or at the airport associated with such facility when an inspection airplane used in accordance with paragraph 4 of Section IV of this Protocol arrives at such an airport.

One replacement of monitors counted against the limits provided for in this paragraph is understood to mean one arrival of monitors on the territory of the inspected Party in accordance with the notification provided for in paragraph 14 of Section III of this Protocol. The number of departures of such monitors from the territory of the inspected Party shall not exceed 34 in each year.

¶40. Monitors for the purpose of maintaining the perimeter and portal continuous monitoring system at a facility subject to continuous monitoring or monitored facility shall arrive on the territory of the inspected Party subject to the limits provided for in paragraph 39 of this Section and subject to the provisions of paragraph 28 of this Section. Such monitors may arrive together with or separately from replacement monitors.

#### VII. Data Update Inspections Conducted Pursuant to Paragraph 2 of Article XI of the Treaty

¶1. Except as provided for in paragraph 2 of this Section, each Party shall have the right to conduct data update inspections upon entry into force of the Treaty. Each Party shall have the right to conduct a total of 12 such inspections each year, with no more than two such inspections each at any one facility.

¶2. Each Party shall have the right to conduct data update inspections at any of the following facilities: ICBM bases; submarine bases; ICBM loading facilities; SLBM loading facilities; repair facilities for ICBMs, SLBMs, or mobile launchers of ICBMs; storage facilities for ICBMs, SLBMs, mobile launchers of ICBMs, or heavy bombers; training facilities for ICBMs, SLBMs, or heavy bombers; conversion or elimination facilities for ICBMs, SLBMs, or mobile launchers of ICBMs; and test ranges.

¶3. No later than one hour after the time for the designation of the inspection site specified in the notification provided in accordance with paragraph 3 or 8 of Section III of this Protocol, the inspected Party shall implement the following pre-inspection restrictions at the inspection site, which shall remain in effect until the inspection team completes its pre-inspection procedures, except as provided for in subparagraph 12(d) of this Section:

(a) For facilities other than facilities specified in subparagraph (b) of this paragraph, ICBMs or SLBMs, first stages of ICBMs or SLBMs, mobile launchers of ICBMs, and support equipment of the inspected Party; containers, launch canisters, and closed vehicles large enough to contain an item of inspection of the inspected Party; and covered or environmentally protected objects large enough to contain or to be an item of inspection of the inspected Party, as determined by paragraph 22 of Section VI of this Protocol, shall not be removed from the inspection site.



(b) For storage facilities for heavy bombers and training facilities for heavy bombers, heavy bombers of types of airplanes based at the inspected facility shall not leave the inspection site. However, test heavy bombers, information about which has been provided to the inspection team in accordance with paragraph 5 of this section, may leave the inspection site.

(c) For facilities that contain non-contiguous parts of an inspection site, once pre-inspection restrictions are in effect at the facility, a container, launch canister, or vehicle that has departed one non-contiguous part of a facility and is en route to another non-contiguous part of the same facility shall not be subject to pre-inspection restrictions until the container, launch canister, or vehicle enters an inspection site.

(d) For submarine bases, ballistic missile submarines and SLBM launchers located in the waters of the submarine base shall not be considered to be within the boundaries of the inspection site and shall not be subject to pre-inspection restrictions.

¶4. Each Party shall have the right to conduct no more than one data update inspection at any one time.

¶5. Upon arrival of the inspection team at the inspection site, a member of the in-country escort shall inform the inspection team leader of the numbers, and, as applicable, type, category, variant, and version of ICBMs, SLBMs, first stages of ICBMs or SLBMs, silo launchers of ICBMs, SLBM launchers, ballistic missile submarines, mobile launchers of ICBMs, fixed structures for mobile launchers of ICBMs, empty launch canisters, and heavy bombers at that inspection site. At the same time, the member of the in-country escort shall provide the inspection team leader with a copy of the site diagram of the inspection site, annotated to indicate the location at the inspection site of such items and the structures or vehicles in which they are located. The following shall also apply:

(a) If any of the items specified for an inspection site are absent from the inspection site at the time of the arrival of the inspection team at the inspection site, a member of the in-country escort shall inform the inspection team leader of the type and, if applicable, variant, and the reason for the absence of each item. For a facility for heavy bombers, a member of the in-country escort shall also provide, in addition to the information provided at the point of entry pursuant to subparagraph 17(b) of Section V of this Protocol, the category of each such heavy bomber and, for heavy bombers that are located outside national territory of the inspected Party, the general location of each such airplane.

(b) At a facility that contains non-contiguous parts of an inspection site connected by roads depicted on a site diagram, if any of those items declared absent are located on the roads connecting one non-contiguous part of the facility to another non-contiguous part of the facility, a member of the in-country escort shall inform the inspection team leader of the type, and if applicable, variant of a type, and reason for the absence of each item, its approximate location, and, its estimated time of arrival at an inspection site. Such items shall return to the inspection site not later than 18 hours after the commencement of the inspection.

(c) For submarine bases, ballistic missile submarines and SLBM launchers located in the waters of the submarine base shall not be considered to be within the boundaries of the inspection site and shall not be indicated on the annotated site diagram provided to the inspection team leader.

¶6. Inspectors shall have the right, subject to the provisions of paragraph 5 of Annex 6 to this Protocol, to read the data from the unique identifiers on all ICBMs for

mobile launchers of ICBMs except for such ICBMs deployed in silo launchers of ICBMs and except for such ICBMs deployed on mobile launchers of ICBMs that have not returned to their restricted areas due to circumstances brought about by force majeure and for which a member of the in-country escort has specified geographic coordinates in accordance with subparagraph 9 (b) of this Section.

17. The inspection team shall have the right to confirm that ICBMs or SLBMs declared to be training models of missiles, or launch canisters declared to contain training models of missiles, are training models of missiles or contain such training models of missiles, unless such items are located in silo training launchers or in silo test launchers.

18. For ICBM bases for silo launchers of ICBMs, the inspectors shall have the right to inspect the maintenance facility subject to the procedures provided for in Annex 1 to this Protocol. The inspectors shall also have the right to inspect the silo launchers of ICBMs that the inspected Party declares not to contain ICBMs but that are considered to contain ICBMs in accordance with subparagraph 3(b) of Article III of the Treaty. Inspection of such a silo launcher of ICBMs shall be conducted in accordance with procedures provided for in Annex 2 to this Protocol for the purpose of confirming that it does not contain an ICBM. If the inspection team intends to inspect such silo launchers of ICBMs, the inspection team leader, upon completion of pre-inspection procedures, shall designate the silo launchers of ICBMs to be inspected and shall indicate a subgroup or subgroups, each consisting of no more than four inspectors, to conduct such inspections. No later than eight hours after completion of pre-inspection procedures, the inspected Party shall transport a subgroup of the inspection team to the silo launcher of ICBMs designated to be inspected.

19. For ICBM bases for mobile launchers of ICBMs:

(a) The inspected Party shall return all mobile launchers of ICBMs located outside restricted areas to the restricted areas of the ICBM base to be inspected except mobile launchers of ICBMs that are located at a maintenance facility, mobile launchers of ICBMs that are engaged in a relocation, and mobile launchers of ICBMs that cannot return to their restricted areas due to circumstances brought about by force majeure. The return of mobile launchers of ICBMs shall be completed no later than 24 hours after the time for the designation of the inspection site specified in the notification provided in accordance with paragraph 3 or 8 of Section III of this Protocol.

(b) For each restricted area, a member of the in-country escort shall, in addition to the information provided in accordance with paragraph 5 of this Section, inform the inspection team leader of the number of mobile launchers of ICBMs that have not returned to the restricted area. Such information shall be provided during pre-inspection procedures, when the period of time for the return of mobile launchers of ICBMs in accordance with subparagraph (a) of this paragraph has elapsed. The inspected Party shall transport the inspectors to such mobile launchers of ICBMs if requested to do so by the inspection team leader. If the inspection team leader does not request transport to such mobile launchers of ICBMs, a member of the in-country escort will designate the geographic coordinates of each of the mobile launchers of ICBMs that have not returned to their restricted areas.

(c) Prior to the completion of the pre-inspection procedures, the inspection team leader shall designate which restricted area or restricted areas are to be inspected. The inspection team shall have the right to inspect one restricted area and the maintenance facility that are part of the ICBM base to be inspected. If an inspection of mobile launchers of ICBMs that have not

returned to their restricted areas due to circumstances brought about by force majeure is performed pursuant to subparagraph (b) of this paragraph, the inspection team leader shall also indicate whether the inspection team intends to inspect those mobile launchers of ICBMs in accordance with subparagraph (b) of this paragraph, and shall indicate the subgroup assigned for this purpose.

(d) Pre-inspection restrictions with respect to each of the restricted areas designated for inspection in accordance with subparagraph (c) of this paragraph shall remain in effect until the arrival there of the inspectors. Pre-inspection restrictions with respect to restricted areas not designated for inspection in accordance with subparagraph (c) of this paragraph shall remain in effect until six hours after the completion of the pre-inspection procedures.

(e) The inspected Party shall transport the inspection team to the restricted area designated for inspection without undue delay and within the following period of time:

(i) to a restricted area located at a straight-line distance of less than 100 kilometers from the maintenance facility: no later than five hours after completion of pre-inspection procedures; or

(ii) to a restricted area located at a straight-line distance of 100 kilometers or more from the maintenance facility: no later than eight hours after completion of pre-inspection procedures.

During the period of inspection, mobile launchers of ICBMs located within these restricted areas at the time the inspection begins may depart such areas only with the consent of the inspectors.

(f) The maintenance facility and restricted areas shall be inspected subject to the procedures provided for in Annexes 1 and 2 to this Protocol.

¶10. For test ranges, the inspection team shall have the right to inspect the entire inspection site subject to the procedures provided for in Annex 1 to this Protocol, with the following exceptions:

(a) In carrying out the procedures provided for in Annex 1 to this Protocol the inspected Party shall not be required to remove ICBMs or SLBMs contained in or located on soft-site launchers from such launchers, and such ICBMs and SLBMs shall not be subject to measurement; and

(b) For silo launchers of ICBMs located at the test range being inspected, regardless of where they are shown on the site diagram of the test range, the inspection team shall have the right to inspect, at its choice, no more than one silo launcher of ICBMs that the inspected Party declares not to contain an ICBM or a training model of a missile. Inspection of such a silo launcher of ICBMs shall be conducted subject to the procedures provided for in Annex 2 to this Protocol for the purpose of confirming that it does not contain an ICBM.

¶11. For submarine bases, the inspection team shall have the right to inspect the entire inspection site subject to the procedures provided for in Annex 1 to this Protocol except for ballistic missile submarines and SLBM launchers located in the waters of the submarine base which shall not be considered to be within the boundaries of the inspection site and shall not be subject to inspection.

¶12. For training facilities for heavy bombers, storage facilities for heavy bombers, and conversion or elimination facilities for heavy bombers:

(a) the inspecting Party shall have the right to inspect all heavy bombers of types of airplanes based at the



inspected facility that were located at the inspected facility at the time pre-inspection restrictions went into effect. Such inspections shall be conducted to confirm the data on the numbers, by type and, if applicable, category and variant, of heavy bombers.

(b) inspections of heavy bombers shall be conducted in accordance with the procedures provided for in Annex 4 to this Protocol.

(c) for inspections at such facilities, the item of inspection shall be a heavy bomber. For structures within the boundaries of the inspection site large enough to contain an item of inspection, inspectors shall have the right to ascertain whether or not that structure contains a heavy bomber.

(d) If either Party has a conversion or elimination facility for heavy bombers where at any time the total number of heavy bombers that have been located at such facility for more than seven days, and upon which the elimination process has not been initiated, exceeds five, such facility shall also be subject to data update inspections. During such inspections, inspectors shall have the right to inspect heavy bombers in accordance with the procedures provided for in Section II of Annex 4 to the Inspection Protocol, but only to the extent that the condition of such airplanes allow such procedures to be carried out. A member of the in-country escort shall provide the information on the condition of such airplanes.

¶13. For facilities other than those facilities specified in paragraphs 8, 9, and 10 of this Section, inspectors shall have the right to inspect the entire inspection site, subject to the procedures provided for in Annexes 1 and 2 to this Protocol.

¶14. For test ranges, conversion or elimination facilities for ICBMs, SLBMs, or mobile launchers of ICBMs, and ICBM bases, the inspection team shall have the right to inspect all launch canisters declared to be empty at each test range, conversion or elimination facility for ICBMs, SLBMs, or mobile launchers of ICBMs, and ICBM base.

¶15. Notwithstanding any other provisions of this Protocol, silo training launchers shall not be subject to inspection.

#### VIII. Nuclear Warhead Inspections of Deployed ICBMs and SLBMs Conducted Pursuant to Subparagraph 3(a) of Article XI of the Treaty

¶1. Each Party shall have the right, upon entry into force of the Treaty and thereafter, to conduct a total of ten nuclear warhead inspections of deployed ICBMs and SLBMs each year, with no more than two such inspections each year at any one facility.

¶2. Each Party shall have the right to conduct nuclear warhead inspections at ICBM bases and at submarine bases for the purpose of confirming that deployed ICBMs and SLBMs contain the number of nuclear warheads declared during pre-inspection procedures for that ICBM or SLBM.

End text.  
CLINTON